

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMAR TRAVILLION,)	
)	
Plaintiff,)	Civil Action No. 07-928
)	
v.)	Judge Cercone
)	Magistrate Judge Bissoon
ALLEGHENY COUNTY BUREAU OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Jamar Travillion's ("Travillion" or "the Plaintiff") civil rights complaint pursuant to 42 U.S.C. §1983 was received by the Clerk on July 3, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The matter was later referred to Magistrate Judge Cathy S. Bissoon.

The Magistrate Judge's Report, filed on February 25, 2009, recommended that the Motion for Summary Judgment filed by the Allegheny County Defendants (Doc. 87) be denied. More specifically, although these defendants made several boilerplate assertions, the only argument made in the brief in support of the motion was that Travillion's claims were barred by *res judicata*. Magistrate Judge Bissoon recommended that the motion be denied since *res judicata* does not apply, and the other issues raised by

the Allegheny County Defendants were not supported by relevant citation to the actual allegations in this case and appropriate argument in conjunction therewith. Nonetheless, the issues were narrowed by Plaintiff's concession withdrawing certain claims in his brief. The parties were allowed ten days from the date of service to file objections. Moving Defendants have objected (Doc. 107) and raise general areas of law which should have been referenced in their brief along with arguments that are applicable to the actual allegations advanced by plaintiff. Asserting that those allegations are too prolix to decipher is insufficient.

The time for presenting relevant argument is during briefing before the Magistrate Judge. It was not error for Magistrate Judge Bissoon to address only those arguments which had been briefed. Of course, this does not prevent Defendants from seeking leave to present a second, properly pleaded and supported motion for summary judgment.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following ORDER is entered:

AND NOW, this 24th day of March, 2009,

IT IS ORDERED that [87] the Motion for Summary Judgment filed by the Allegheny County Defendants be, and the same hereby is, DENIED. The Report and Recommendation of Magistrate Judge

Bissoon, (Doc. 106) and dated February 25, 2009, as augmented herein is adopted as the opinion of the court.

s/David S. Cercone
David S. Cercone
U.S. District Court Judge

cc: Counsel of Record

JAMAR L. TRAVILLION, GS0389
SCI Rockview
Box A
Bellefonte, PA 16823